

House File 2099 - Introduced

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BY HANSON

A BILL FOR

1 An Act concerning text messaging and the use of cellular
2 telephones by motor vehicle operators who are minors and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.363A Use of cellular telephones
2 and other devices restricted — young drivers.

3 1. For purposes of this section, the following definitions
4 apply:

5 a. "*Hands-free mode*" means the use of a cellular telephone
6 by way of an internal feature or function, or an attachment
7 or addition, whether or not permanently part of the cellular
8 telephone, by which the user engages in a conversation or
9 communication without the use of either hand.

10 b. "*Text message*" means a text-based electronic
11 communication transmitted using the short message service
12 (SMS), a wireless telephone service, or an electronic
13 communication network.

14 c. "*Wireless handset*" means a handheld portable electronic
15 or computing device capable of transmitting data in the form of
16 a text message. "*Wireless handset*" includes but is not limited
17 to a cellular telephone or personal digital assistant.

18 2. A person under eighteen years of age shall not operate
19 or use a cellular telephone while operating a motor vehicle on
20 a street or highway unless the cellular telephone is used in
21 a hands-free mode.

22 3. A person under eighteen years of age shall not use a
23 wireless handset to write, read, or send a text message while
24 operating a motor vehicle.

25 4. This section does not apply to any of the following:

26 a. A person under eighteen years of age who possesses a full
27 driver's license issued under section 321.180B, subsection 4.

28 b. The use of a cellular telephone or wireless handset
29 to call 911 or to contact law enforcement authorities or an
30 emergency response agency in an emergency situation.

31 c. The use of a cellular telephone or wireless handset when
32 the motor vehicle is at a complete stop off the roadway.

33 5. A person who violates this section commits a simple
34 misdemeanor, punishable as a scheduled violation under section
35 805.8A, subsection 6, paragraph "e".

1 Sec. 2. Section 805.8A, subsection 6, Code Supplement 2009,
2 is amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. For violations under section 321.363A,
4 the scheduled fine is thirty dollars.

5 EXPLANATION

6 This bill prohibits a person under 18 years of age from
7 operating or using a cellular telephone while operating a motor
8 vehicle on a street or highway unless the cellular telephone
9 is used in a hands-free mode.

10 The bill also prohibits a person under 18 years of age from
11 using a wireless handset to write, read, or send a text message
12 while operating a motor vehicle.

13 The bill defines "hands-free mode" as the use of a cellular
14 telephone by way of an internal feature or function, or
15 an attachment or addition, by which the user engages in
16 a conversation or communication without the use of either
17 hand. "Text message" is defined as a text-based electronic
18 communication transmitted using the short message service
19 (SMS), a wireless telephone service, or an electronic
20 communication network. "Wireless handset" is defined as a
21 handheld portable electronic or computing device capable of
22 transmitting data in the form of a text message. The term
23 includes a cellular telephone or personal digital assistant.

24 The prohibitions do not apply to a person under 18 years
25 of age who has a full driver's license obtained under the
26 graduated driver licensing program. In addition, an exception
27 is allowed for emergency situations when a cellular telephone
28 or wireless handset is used by a driver to call 911 or to
29 contact law enforcement authorities or an emergency response
30 agency. The bill does not prohibit a driver from using any
31 cellular telephone or wireless handset when the motor vehicle
32 is at a complete stop off the roadway.

33 A violation of the bill is a simple misdemeanor punishable by
34 a scheduled fine of \$30.

35 Pursuant to current law, a young driver with a restricted

1 license, an instruction permit, an intermediate license, or
2 a special minor's license may be subject to remedial driver
3 improvement actions or license sanctions upon conviction for a
4 moving violation.